

### **REMARKS**

In the September 20, 2007 Office Action, all of the claims stand rejected in view of prior art. Claim 5 was rejected as being indefinite, but this rejection is clearly in error since the noted language is no longer present in the claim. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the September 20, 2007 Office Action, Applicant has amended the claim 1 and introduced new claims 8-15, as indicated above. Thus, claims 1-15 are pending, with claims 1, 7 and 8 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Entry of June 27, 2007 Amendment***

On page 2, line 3 of the Office Action, the Office Action indicates that Applicant's June 27, 2007 Amendment has been entered.

#### ***Claim Rejections - 35 U.S.C. §112***

On page 2, lines 4-14 of the Office Action, claim 5 was rejected under 35 U.S.C. §112, second paragraph. However, Applicant previously amended claim 5 to remove the term "strong". Applicant believes this rejection is in error and is improper since the offending language was previously removed from the claim by the June 17, 2007 Amendment.

Applicant believes that the claims comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

***Rejections - 35 U.S.C. § 102***

Beginning at the bottom of page 3 of the Office Action, claims 1-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0144513 (Gunji et al.). In response, Applicant has amended independent claim 1 to clearly define the present invention over the prior art of record. In particular, independent claim 1 has been amended to recite an indoor unit of an air conditioner that has a support unit, a ventilation fan installed on the support unit and a heat exchanger, where each portion of the support unit is positioned at a height ***no higher than an apex of the ventilation fan.***

This structure is ***not*** disclosed or suggested by Gunji et al. or any other prior art of record. As acknowledged in the Office Action on page 5, last paragraph, a portion the “support unit” of Gunji et al. is located above the apex of a fan. Therefore, the Gunji et al. reference fails to disclose each and every limitation of amended independent claim 1. Specifically, Gunji et al. fails to disclose a support unit where each portion of the support unit is positioned at a height ***no higher than an apex of the ventilation fan.*** It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 2-7 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-7 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art

of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Also in response, Applicant has amended independent claim 7 to clearly define the present invention over the prior art of record. In particular, independent claim 7 has been amended to require that a first step in the recited method include that each portion of the support unit be positioned at a height no higher than an apex of the ventilation fan when the ventilation fan is supported thereon. Claim 7 goes on to require that in a second step a heat exchanger is installed to the support unit so as to cover an upper portion of the ventilation fan.

The limitations of amended claim 7 are *not* disclosed or suggested by Gunji et al. or any other prior art of record. As acknowledged in the Office Action on page 5, last paragraph, a portion the "support unit" of Gunji et al. is located above the apex of a fan. Therefore, the Gunji et al. reference fails to disclose each and every limitation of amended independent claim 7. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 7, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Applicant respectfully requests withdrawal of the rejections.

#### *New Claims 8-15*

Applicant has also introduced new independent claim 8. Independent claim 8 recites that an indoor unit of an air conditioner includes a support unit, a ventilation fan installed on the support unit and a heat exchanger also installed on the support unit. Claim 8 goes on to require that the heat exchanger has an approximate inverted V-shape in cross-section and refrigerant lines in which refrigerant flows connected thereto. Claim 8 further requires that

the heat exchanger covers an upper portion of the ventilation fan. Finally claim 8 also requires that all portions of the support unit be positioned at a height no higher than an apex of the ventilation fan.

As discussed above, the limitation required by new claim 8 *that all portions of the support unit be positioned at a height no higher than an apex of the ventilation fan* is not disclosed in the Gunji et al. reference. Further, the Gunji et al. reference fails to disclose an indoor unit of an air conditioner where the heat exchanger is supported on a support member where *all portions of the support unit are positioned at a height no higher than an apex of the ventilation fan*. Therefore, Applicant respectfully submits that claim 8 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 9-14 are also allowable over the prior art of record in that they depend from independent claim 8, and therefore are allowable for the reasons stated above. Also, the dependent claims 9-14 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 8, neither does the prior art anticipate the dependent claims.


New claim 15 depends from allowable independent claim 7 and is therefore allowable.

\* \* \*

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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Respectfully submitted,



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